



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#16
n.m.
3/20/03

Application No.: 09/600,744
Filed: July 20, 2000
1st Inventor: H. Shimizu
For: Lyophilization Method for Sustained-Release Preparations
Atty. Dkt. No. 2501 USOP

Art Unit: 1615
Examiner: A. Pulliam
Allowed:
Batch:

Paper 1

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RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed October 18, 2002 (Paper No. 14), Applicants respectfully request reconsideration of the claims in view of the remarks set forth below. A Declaration under 37 C.F.R. Sec. 1.132, a Petition for a Two-Month Extension of Time and an authorization to pay the \$ 410.00 37 C.F.R. Sec. 1.17(a)(2) fee accompany this response.

REMARKS

I. Discussion of the Rejection under 35 U.S.C. Sec. 102(b)

Claims 1, 3-5, 8, 10, 13 and 15 stand rejected under 35 U.S.C. Sec. 102(b) as being unpatentable over Ueda *et al.* (EP 0 394 050 A2).

As an initial matter, Applicants note that claim 10 depends upon independent claim 2. Since claim 2 has not been rejected by the Examiner as anticipated by the cited reference, Applicants submit that the more specific dependent claim is also not anticipated by the cited reference. Applicants have pointed this fact out in their response of July 9, 2002, but the